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BEFORE THE

Federal Communications Commission

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

To: The Commission

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COMMENTS OF WEIGEL BROADCASTING CO.

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September 1995 - November 1996**

SUMMARY

Weigel Broadcasting Co. (“Weigel”) operates seven low power television stations in Chicago and Rockford, Illinois; Milwaukee, Wisconsin; and South Bend, Indiana. These stations provide their local communities with programming of exceptional public interest value that is not available from any other local media outlet. According to Weigel’s analysis, the DTV conversion proposals contained in the *Sixth Further Notice of Proposed Rule Making* would result in the destruction of all seven of these low power stations. This would cause a severe deprivation of service to hundreds of thousands if not millions of people who need and rely on the public interest programming provided by Weigel’s low power stations.

If Weigel’s low power stations were forced to go dark to accommodate DTV conversion or spectrum recapture, the approximately 100,000 Hispanics who live in the greater Milwaukee area -- the nation’s thirty-first television market -- would be deprived of their only Spanish language broadcast service.

If Weigel’s low power stations were forced to go dark, the roughly two million members of more than fifteen diverse ethnic and minority communities in Chicago and Milwaukee would be deprived of local broadcast service that provides programming specifically designed to address and respond to their unique needs, generally in their native language. This programming is typically the only such programming available to them. Among the ethnic and minority groups that would lose essential service of this type are African-Americans, Arabs, Asian Indians, Assyrians, Bangladeshis, Chinese, Croatians, Filipinos, Greeks, Hispanics, Koreans, Lithuanians, Pakistanis, Poles, Romanians, Russians, Taiwanese and Ukrainians.

If Weigel's low power stations were forced to go dark, the people of South Bend, Indiana -- the nation's 85th television market -- would lose their local ABC Network affiliate and their local UPN Network affiliate. The people of Chicago and Milwaukee, Rockford and South Bend would lose access to many hours of live business news, general news and interview programming. They would also lose access to live, locally produced children's educational programming. The City of Chicago would lose a live, locally produced business news and information program that has aired in the City for nearly 30 years. It would also lose a locally-produced children's program that has been developed in cooperation with the Chicago Board of Education to help implement the Board's mandatory homework policy.

The importance of what would be lost if Weigel's low power stations were forced to go dark is documented by many statements of support for Weigel's low power programming. Included in these comments, among many other statements, are supporting statements from the Mayor of Chicago, the Honorable Richard M. Daley; the office of the Governor of Illinois, Jim Edgar; the Mayor of Milwaukee, the Honorable John O. Norquist; the Mayor of South Bend, the Honorable Joseph E. Kernan; Representative Jerry Kleczka, United States Congress (Fourth District, Wisconsin); and Representative Tim Roemer, United States Congress (Third District, Indiana).

The Commission's final rules in this proceeding must fully preserve and protect the indispensable public service Weigel's low power stations provide to the communities they serve. The most fundamental principles embodied in Title III of the Communications Act require that this essential broadcast service be preserved. The public interest will not tolerate the destruction of such service, because the *existence* of service such as that provided by Weigel's stations is the *ultimate goal and first imperative* of broadcast regulation under Title III.

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COMMENTS OF WEIGEL BROADCASTING CO.

Weigel Broadcasting Co. ("Weigel") submits these comments in response to the Commission's *Sixth Further Notice of Proposed Rule Making*, FCC 96-268 (rel. Aug. 14, 1996).

Statement of Interest

Weigel is a family-owned company. It has been in the television broadcast business for over thirty years. Weigel put Chicago's first full power UHF television station on the air in the early 1960s. In the 1980s, Weigel became a pioneer in another field -- low power television. Today, Weigel is the licensee of seven low power and two full power television stations in the Chicago, Milwaukee, South Bend and Rockford markets.^{1/}

^{1/} Weigel's low power stations include Channel 23 (W23AT, service mark call sign WFBT-TV), Chicago, Illinois; Channel 46 (W46AR), Milwaukee, Wisconsin; Channel 65 (W65BT), Milwaukee, Wisconsin; Channels 58 and 69 (WBND-LP and W69BT), South Bend, Indiana; Channel 12 (W12BK), South Bend, Indiana; and Channel 33 (W33AR), Rockford, Illinois. Weigel's full power stations are WCIU(TV), Channel 26, Chicago, Illinois; and WDJT(TV), Channel 58, Milwaukee, Wisconsin.

Weigel does not support any form of federally-mandated conversion to digital television.^{2/}

The purpose of these comments is not, however, to debate the wisdom of mandatory conversion to DTV. It is to urge in the strongest possible terms that any such conversion should not -- indeed *must* not -- be permitted to destroy the enormous public service currently provided by low power television stations. Each day, hundreds of thousands of viewers tune in Weigel's low power television stations. They do so because these low power stations are providing programming viewers need and want and cannot find elsewhere, programming that is not available on full power television, or on cable, or on any other medium of mass communications.

To understand what would be lost if the Commission allows DTV policy indiscriminately to cripple or destroy low power television, it may help to know something about Weigel's seven low power stations. As far as Weigel can determine, all seven of its low power stations will be forced to cease operations if current plans for DTV remain unchanged. Weigel's stations are not the "norm" for low power television -- at least not yet. But neither are they alone among low power stations in providing an indispensable broadcast service to the communities they serve. What would be lost with the indiscriminate destruction of low power television would thus be some multiple of what would be lost with the demise of Weigel's stations. And this considers only the public service available today from low power television, not the increasing public service that this comparatively young medium (first authorized in 1982) will unquestionably provide as it matures.

^{2/} In Weigel's view, questions such as where, when and *whether* DTV operation makes sense are best decided by individual broadcasters, based on market forces. A federal "industrial policy" requiring DTV conversion is likely to result in significant economic inefficiencies. The public will ultimately bear the costs of those inefficiencies.

What follows is a summary of the public service programs Weigel's low power stations provide to their local communities. The larger tragedy that would result from indiscriminate destruction of low power television may perhaps be understood better if an appreciation is gained of the loss that would result simply from the demise of Weigel's stations alone.

Channel 23, Chicago

Channel 23 (W23AT; service mark call sign WFBT-TV) is Weigel's "flagship" low power station. It went on the air in 1992 and operates with "state of the art" LPTV technical facilities from atop the Chicago Sears Tower, the tallest building in the country. Channel 23's signal reaches essentially the entire population of metropolitan Chicago -- roughly six and one-half million people.^{3/} The station is a pioneer LPTV facility from a technical standpoint. When it began operations over four years ago, its audience reach was virtually unprecedented for a low power station. Now that Channel 23 has helped to pave the way, other LPTV stations (including Weigel's own LPTV stations in other markets) have begun to employ similar methods in an effort to reach much larger audiences -- audiences often roughly comparable to those of local full power stations.

As important as Channel 23's technical innovations have been, the station's real public interest significance lies in its programming. Channel 23 has been described as "the United Nations of the airwaves."^{4/} That is truly what it is.

Channel 23 broadcasts in more than fifteen languages, not including English.^{5/} Its

^{3/} A copy of Channel 23's coverage map is contained in Exhibit 1.

^{4/} See Exhibit 2 *Chicago Tribune* article.

^{5/} The Station currently broadcasts in Arabic, Assyrian, Cantonese, Croatian, Greek, Hindi, Korean, Lithuanian, Malayalam (a national language of India), Mandarin, Polish, Romanian,

programming is specifically designed to meet the unique needs of a large number of discrete ethnic and minority groups, including African-Americans, Arabs, Asian Indians, Assyrians, Chinese/Taiwanese, Croatians, Filipinos, Greeks, Hispanics, Koreans, Lithuanians, Poles, Romanians, Russians and Ukrainians. This programming is locally produced, in most instances, and it is both *for* ethnic and minority groups and also produced *by* ethnic and minority groups, individuals and small businesses.

Every weekday, Channel 23 also broadcasts -- totally live -- a seven hour locally produced business news program -- *Stock Market Observer*. This program has been on the air in Chicago for nearly three decades (it began on Weigel's full power Chicago station, WCIU), and its longevity is a measure of its enduring value to local viewers. Weigel also broadcasts on Channel 23 its own locally produced children's educational program -- *The Homework Show*, a half-hour program aired live each weekday. In addition, Channel 23 carries a number of other programs of a religious and nonentertainment nature.

In total, Channel 23 broadcasts over 130 hours of programming each week. Most is specifically designed for ethnic and minority groups. Most is news, public affairs, informational and other nonentertainment programming. Most is locally produced in the Chicago area. A copy of Channel 23's weekly program schedule is provided in Exhibit 3.

With few exceptions, the other media outlets in Chicago offer nothing remotely comparable to Channel 23's programming. The station provides programs that are utterly unique, and that meet local needs that are equally unique -- and also quite real. If Channel 23 goes off the air, most of

Russian, Spanish, Tagalog (the national language of the Philippines) and Ukrainian, as well as English.

these needs will no longer be met. It is that simple.

Statements of Support for Channel 23 Programming

The individual producers of many of Channel 23's ethnic and minority programs have provided letters describing their programs for inclusion in these comments. (Exhibits 4 through 18). Leaders of local minority and ethnic communities have also provided letters describing the value of Channel 23's programming to their local communities. (Exhibit 19). The Mayor of Chicago, the Honorable Richard M. Daley, has provided a statement about the value of Channel 23's programming. (Exhibit 20). So has the office of Illinois Governor Jim Edgar. (Exhibit 21). For every author and every letter that time and circumstance have permitted us to include here, the Commission should understand that there are hundreds of local civic leaders, and many, many thousands of local area viewers, who would gladly second these expressions of support for the value of Channel 23's programming.

A Strong Focus on Ethnic and Minority Needs

Channel 23's ethnic and minority programming is too diverse to be described in detail in these comments. The following is a brief summary:

Open Your Bible (Sundays, 7:30 - 8:00 AM) provides religious services from a local Chicago area African-American church. The *Arab Program* (Mondays, 4:00 - 5:30 PM) provides, in Arabic, local news, community leader interviews, a community calendar of Arab events and "the readings of poetry and other classical writings" that are part of the culture of the local Arab community, both Christian and Moslem. (Exhibit 4).

The locally-produced *Assyrian Hour* (Saturdays, 2:30 - 3:00PM) provides, in the Assyrian language, local news, round table discussions, documentaries, public service announcements and a

cultural segment for children. Like most of the other Channel 23 ethnic and minority programs, this is the only program in Chicago specifically designed to serve the unique needs of this particular local ethnic community. There are approximately 100,000 Assyrians in Channel 23's viewing area. (Exhibit 5).

Bharat Darshan (or “India View”) (Monday - Friday, 7:00 - 7:30 AM; Saturdays, 8:00 - 10:00 AM; Sundays, 9:00 - 11:00 AM) provides locally-produced news, information and entertainment in the Hindi and English languages for the approximately one quarter million members of the local Indian, Pakistani and Bangladeshi communities. It also presents a “Children’s Video Digest” feature to “provide a fun way to reach and teach a younger Indo-Pak audience.” (Exhibit 6). A second local program, *Pranam Bharath* (Saturdays, 11:00 AM - Noon), provides news, interviews, youth forums and panel discussions in Malayalam, another national language of India. (Exhibit 7).

United Chinese TV (or “*Chinese Spotlight*”) (Sundays, 1:00 - 3:00 PM) provides news reports and analysis, cultural features, entertainment and even a weekly, ten minute Chinese cooking lesson (taught by a master teacher) for the estimated 60,000 to 80,000 members of the local Chinese/Taiwanese community. The program is in the Cantonese language. (Exhibit 8). Another program, the locally-produced *Chicago Chinese Television* (Monday - Sunday, 6:00 - 7:00 PM) provides local news, public service segments and variety and entertainment features in the Mandarin Chinese language. Among other things, this program has featured more than a dozen local Chinese artists, including brush painters, musicians and hand-craft artists. (Exhibit 9).

The locally-produced *Croatian Perspective* (Saturdays, 1:30 - 2:30 PM) provides the approximately 150,000 member local Croatian community with Croatian language news, public

service announcements and segments designed to “provide young Croatian-Americans with a vital link to their cultural heritage.” (Exhibit 10).

Channel 23's *TV Patrol* program (Monday - Friday, 7:30 - 8:00 AM) provides the approximately 82,000 Chicago area Filipinos with the “top-rated newscast in the Philippines” -- in the national language of the Philippines, Tagalog. Like most of the other Channel 23 ethnic programs, this program bridges a very real gap left by other Chicago media. It provides *in detail* and in the native language news of the affairs of the Philippines, and allows Chicago Filipinos to learn much more than they otherwise could about what is happening in their homeland, where many of their family members still live. (Exhibit 11).

Channel 23 provides several Greek language programs for the local Greek community, including the religious program *Greek Living 100%* (Sundays, 11:30 AM - Noon); the news, variety and entertainment program *National Greek TV* (Sundays, Noon - 1:00 PM), and the locally-produced news, local interview and variety program *Grecian Spotlight* (Monday - Friday, 5:30 - 6:00 PM). (Exhibit 12).

Another Channel 23 locally-produced program, *Korean TV* (Monday - Sunday, 9:00 - 11:00 PM) provides local and international news, information and entertainment in the Korean language for the Chicago area's substantial Korean population. Yet another locally-produced program, *Lithuanian Digest* (Saturdays, 7:00 - 8:00 AM) provides, in the Lithuanian language, local and international news, local interviews with Lithuanian community leaders, and entertainment and variety features specifically designed for the Chicago's large Lithuanian community.

Polvision (Monday - Sunday, 7:00 - 9:00 PM and Midnight - 1:00 AM) is essentially a locally-produced Polish language “micro” television network. Its programming serves the Chicago

Polish-American community -- a community of over one millions persons, the second largest in the world (Warsaw is the largest). *Polvision* features Polish language news and interview programs, sports segments, film reviews, feature-length films, religious programs and even a Polish language game show, among other things. This programming “provide[s] Polish Americans with a view of their home country and of their new country in their own language . . . [and] helps keep Polish Americans tied to their ethnic heritage as well as helping immigrants assimilate into the American culture.” (Exhibit 13).

Channel 23 also broadcasts two locally-produced Romanian language programs, the *Romanian Christian Program* (Sundays, 8:00 - 9:00 AM) and the *Philadelphia Romanian Church of God* (Saturdays, 5:00 - 6:00 PM). As the program titles indicate, these programs provide the approximately 40,000 to 45,000 members of the local Romanian community with religious programming in their native language. But like most other Channel 23 ethnic and minority programs, these programs also provide viewers with a diverse blend of more secular information, including local and international news, local community announcements, guest interviews and segments for children.. (Exhibits 14 & 15).

Channel 23's Russian language program, *Russian TV Chicago* (Sundays, 3:00 - 5:00 PM), is also locally produced. It provides local and international news, interviews with local community leaders and experts, and public service announcements, as well as public affairs segments, entertainment features and a cultural segment designed for children 12 and under. This program serves the approximately 120,000 members of the local Russian community. (Exhibit 16).

Channel 23's Ukrainian language programming includes *Kontakt* (Saturday, 4:00 - 5:00 PM) and *Ukrainian Melody Hour* (Saturday, Noon - 12:30 PM; Sunday, 6:30 - 7:00 AM). *Kontakt*

contains current news from Ukraine, youth and children's segments featuring coverage of educationally-oriented issues, a community events calendar, and special features involving Ukrainian arts and culture. (Exhibit 17). The *Ukrainian Melody Hour* features news, interviews, commentary and local public service announcements, as well as songs, music and dances "by the best groups and individual talents from Ukraine." (Exhibit 18).

As the foregoing indicates, Channel 23's ethnic and minority programming is extremely diverse. But to consider it as a whole for the moment, all of these programs are presented in the native language of the ethnic or minority group being served. Almost all provide news of the country of origin and of the local ethnic community here in America. Almost all provide local public service and community calendar announcements that focus on issues, concerns and events of special interest to the particular ethnic community being served. Almost all also provide special cultural features and entertainment segments that showcase the music, art, traditions and customs of the home country. Most of the programs are locally-produced in the Chicago area by members of the local ethnic community being served. Most feature interviews and discussions with local ethnic and other leaders, as well as other detailed types of information on issues of special concern to the local ethnic community. Most of the programs also provide special segments for children -- segments designed to educate as well as entertain, and above all to give these children growing up in America a sense of their special cultural heritage.

In short, these programs help their viewers adjust to life here in America. And they help their viewers experience and celebrate their unique cultural heritage. If Channel 23 were no longer able to provide these programs to the people who truly need and enjoy them, the many people of many backgrounds who rely on these programs would experience what, by any true measure, would be a

very important loss.

**The *Stock Market Observer*: Seven Hours of “Local/Live” Business News
Each Weekday for Nearly Thirty Years**

The *Stock Market Observer* is something of a Chicago institution, having been aired in the City for close to thirty years.^{6/} It currently airs on Channel 23 every weekday, from 8:30 AM until 3:30 PM. The program is locally produced by Weigel. It is entirely live television. It includes up-to-the-minute business news and information, hourly business and general newscasts, and numerous live interviews -- both in the studio and by telephone -- with market experts, business leaders, public officials, political candidates, religious and civic leaders and other prominent experts and professionals in too many fields of endeavor to be chronicled here.^{7/} The program also maintains cameras in each of the four Chicago exchanges -- the Chicago Stock Exchange, the Chicago Mercantile Exchange, the Chicago Board of Trade and the Chicago Board of Options Exchange -- and features regular live reports from each exchange. During the entire program, the lower portion of the screen provides continuous “ticker” information showing stock, commodity and other market prices.

The audience of the *Stock Market Observer* is as eclectic as the program itself. It includes investors, of course, of all stripes. It includes people in the investment business -- stock brokers, commodities dealers, analysts, and others. It also includes people who simply like news and want

^{6/} The program began in the 1960s on Weigel’s full power Chicago station, WCIU, and the morning portion of the program is still carried on WCIU. The afternoon portion of the program is available only on Channel 23.

^{7/} A list of individuals interviewed on the program within the just past fourteen months is included in an Addendum to these comments.

to know what is happening in their world.

There is no other comparable program in Chicago. To Weigel's knowledge, there is perhaps only one other comparable program being broadcast anywhere in the country (a program aired in Los Angeles). That the *Stock Market Observer* provides a unique service to viewers is demonstrated simply by the program's uniqueness, together with the fact that it has lasted for close to thirty years -- and counting.

Core Educational Children's Programming -- *The Homework Show*

Recently, Channel 23 began broadcasting a one-half hour, locally produced children's educational program -- *The Homework Show* (aired live, Monday - Friday, 3:30 - 4:00 PM). This program is being produced by Weigel in cooperation with the Chicago Board of Education. Its basic purpose is to assist Chicago school children, ages nine through fourteen (grades four through eight) with their homework. To do this, the program has been designed to help make homework fun, to make it an exciting thing to do and, more generally, to teach that nothing is more exciting than learning about the world.

The Homework Show concentrates on the basic subject matter areas that its target audience of children confront in their homework assignments -- math, science, social studies, writing and language arts. These areas were selected by the Chicago Board of Education. The subjects are addressed in rotating fashion, each show dealing with a single subject area. The program is hosted by Weigel's on-air children's programming personality, George Blaise, and each program is co-hosted by a professional teacher from the Chicago school system who is an expert in the subject under discussion.

Children call the program with questions about their homework. The questions can be as

simple as “who was Christopher Columbus” or “why is George Washington called the father of our country”. They can be as complicated as “what is nationalism”. The guest teachers answer the questions on air, together with any follow up questions.

Popular music, computer graphics, special academic game features, puppet characters, celebrity guests and many other creative “bells and whistles” give the program an upbeat, fun, contemporary tempo and “feel.” These features have been designed to attract and appeal to today’s children, and also to inspire in them the desire to learn more about the things they study in school. At its core, however, the program’s purpose is to work hand-in-glove with the Chicago Board of Education’s new mandatory homework policy, which emphasizes homework as a critical part of learning.

Additional information about *The Homework Show* can be found in Exhibit 22. Weigel’s efforts to help implement the Board’s new mandatory homework policy have led the President of the Chicago Board of Education, Gery Chico, to term Weigel an “invaluable partner” and to say of *The Homework Show*: “This call-in show, where students can interact with teachers live on the air, is an excellent use of low-power television stations such as WFBT. I hope the program continues to grow.” (Exhibit 23).

Channel 12, South Bend, and Channel 33, Rockford

Weigel low power stations Channel 12 (W12BK), South Bend, Indiana, and Channel 33 (W33AR), Rockford, Illinois, currently broadcast the morning segment (8:30 AM - Noon) of the *Stock Market Observer* program. Technical arrangements are currently underway that will enable these stations to retransmit for the South Bend and Rockford communities the entire program schedule of Channel 23 in Chicago, including that station’s diverse line-up of ethnic and minority

programming, the entire seven-hour *Stock Market Observer* program and *The Homework Show*. These stations thus already provide a significant source of live business and general news and information to the communities they serve, but their service to the South Bend and Rockford communities will be greatly increased in the near term.^{8/}

Channel 65, Milwaukee

The programming of low power Channel 65 (W65BT), Milwaukee, Wisconsin, is very similar to that of its sister station, Channel 23 in Chicago.^{9/} Like Channel 23, Channel 65 in Milwaukee provides a broad array of ethnic, minority and foreign language programming to serve the local Milwaukee area ethnic and minority communities. Almost all of the ethnic, minority and foreign language programs discussed earlier in connection with Channel 23 in Chicago are also broadcast on Channel 65 in Milwaukee. Like Channel 23 in Chicago, Channel 65 in Milwaukee also provides, live, the entire seven-hour *Stock Market Observer* program each weekday. Channel 65 also carries *The Homework Show* live, and while that program was specifically developed in cooperation with the Chicago Board of Education, it has been received with open arms by the local educational community in Milwaukee. In addition, Channel 65 carries African-American programming that is not carried on Channel 23, including the *Gospel '96* program (Saturdays, 6:00 - 8:30 PM), which is locally-produced in Milwaukee for Channel 65.

^{8/} Applications are now pending with the Commission to improve the technical facilities and to increase significantly the coverage area of these two stations, as well as Weigel's other five low power stations. Depending on the outcome of certain technical issues, Channel 12 in South Bend may ultimately be used to help deliver ABC Network programming to the South Bend market. As discussed below, Weigel low power stations operating on Channel 58 and Channel 69 are now the sole source of ABC Network programming in South Bend.

^{9/} A copy of Channel 65's weekly program schedule is contained in Exhibit 24.

As with Channel 23 in Chicago, Channel 65 in Milwaukee provides ethnic and minority programming that is not available on any other media outlet in the market. Although Milwaukee is not as large a city as Chicago, and thus does not have minority and ethnic populations the size of those found in Chicago, Milwaukee is by no means a small city, and its minority and ethnic populations are quite significant. Milwaukee is the thirty-first largest television market in the country. The ethnic, minority, business news and other programs that Channel 65 provides are completely unique in the Milwaukee market -- there is nothing else like them available there. Tens of thousands of Milwaukee ethnic, minority and other viewers would be deprived of this diverse array of public service programming if the programming's only source -- Channel 65 -- were forced off the air.

Statements of Support for Channel 65 Programming

Attached as Exhibit 25 are statements of support for the valuable public service Channel 65 provides to Milwaukee residents. Included are statements of support from the Honorable John O. Norquist, Mayor of the City of Milwaukee; Representative Jerry Kleczka, United States Congress (Fourth District, Wisconsin); and Milwaukee Department of City Development Commissioner Michael L. Morgan. Representative Kleczka's statement is illustrative:

Much of Channel 65's programming is unique to the Milwaukee area. Without Channel 65, many area ethnic and religious groups would be left with limited viewing choices. Milwaukee is proud of its rich ethnic and religious diversity. I support the continuation of broadcasting sensitive to the needs of our multi-cultural community.

Channel 46, Milwaukee

Weigel's low power Channel 46 (W46AR), Milwaukee, Wisconsin, provides around-the-clock Univision Network Spanish language programming for the approximately 100,000 Hispanics

in the Milwaukee market.^{10/} Univision is the premier Spanish language network now in operation, and neither its programming nor that of any other Spanish language network would be available in Milwaukee without Channel 46. Channel 46 is the only television station in Milwaukee -- low power or full power -- that provides any form of Spanish language programming, network or not. There are not even any Spanish language radio stations currently serving the Milwaukee market.

Channel 46's Univision programming provides the Milwaukee Hispanic community with the finest available line-up of Spanish language discussion, variety and entertainment programming. It also provides daily, half-hour Spanish language newscasts at 5:00 AM, 5:30 PM and 10:00 PM (Midnight on weekends), educational children's programming and numerous other types of informational and public service offerings. None of this would be available in Milwaukee without Channel 46.

Channel 46 also provides locally-produced Spanish language public service segments through a community billboard feature -- *Que Pasa*. These segments allow local Hispanic and other groups to provide information and announce upcoming events of particular interest to the Milwaukee Hispanic community. There is no other local Spanish language mass media outlet for this type of information in the Milwaukee market, and *Que Pasa* thus provides an extremely valuable, unique and irreplaceable service to the local Milwaukee Hispanic community.

Statements of Support for Channel 46 Programming

Attached as Exhibit 27 are statements of support for the public service Channel 46 provides

^{10/} A copy of Channel 46's weekly program schedule is contained in Exhibit 26. Although the 1990 Census does not reflect this level of Hispanic population in Milwaukee, Weigel -- which has decades of experience in Spanish language television -- believes the true Hispanic population in Milwaukee is much larger than the Census indicates.

to the Milwaukee Hispanic community and also to the City as a whole. Included are statements from, among other groups, the Hispanic Chamber of Commerce of Wisconsin, the Council for the Spanish Speaking, Centro de la Comunidad Unida (United Community Center), the City of Milwaukee Police Department, the Milwaukee Public Schools, Milwaukee SER-Jobs for Progress, the Wisconsin Department of Natural Resources and the Federation for Civic Action. Illustrative is the Hispanic Chamber of Commerce's statement that

Univision Spanish language programming which airs on Channel 46 provides Milwaukee's Hispanic community with entertainment and valuable information regarding health and social issues along with national and regional issues in a language they can relate to. For many, Spanish is the only language that is thoroughly understood. Spanish TV programming is creating a better informed community since this target group has few outlets to choose from for information. . . .

The HCCW applauds Channel 46's efforts to improve the quality of life in meeting the needs of our Spanish speaking community through their programming.

Channels 58 and 69, South Bend

Weigel's low power Channels 58 and 69 (WBND-LP/W69BT), South Bend, Indiana, are the local ABC Network affiliates for South Bend. They are also the local United Paramount Network ("UPN") affiliates for South Bend.^{11/} It may possibly come as a surprise to the Commission, but in South Bend, Indiana -- one of the top 100 television markets in the country -- there would be no local

^{11/} The two Stations broadcast an identical program schedule in order to reach as much as possible of the greater South Bend area, over-the-air, with their ABC and UPN programming. A copy of the Stations' weekly schedule is contained in Exhibit 28. As noted earlier, applications are currently pending at the Commission to upgrade these stations' facilities, so that their signals will -- to the extent technologically possible for these low power stations -- cover the entire South Bend market. As also noted earlier, Weigel's Channel 12 low power station in South Bend may eventually be enlisted in this effort to blanket the entire market with over-the-air signals carrying ABC and UPN Network programming.

ABC Network affiliate today, to say nothing of a local UPN affiliate, without these two local low power television stations.

The public interest value in providing the people of South Bend (television Market Rank 85) with ABC Network programming is self-evident. Without low power Channels 58 and 69, there would be no *ABC Evening News*, no *ABC World News This Morning*, no *Good Morning America*, no *ABC World News Now*, no *Nightline* and, perhaps equally important for South Bend football fans, no *ABC Monday Night Football* and no *ABC College Sports Football* (including the Notre Dame games). Nor would there be any ABC prime time entertainment, or movie specials, or any of the other programs the ABC Network provides. Nor would there be any UPN programming in South Bend, at least not any available free, over-the-air.

Channels 58 and 69 also provide the South Bend market with locally-produced *Community Calendar* public service segments, as well as other local programming. To cite one example, these two low power stations joined full power market stations in broadcasting a half-hour special on homelessness during the week prior to Christmas in 1995. Channels 58 and 69 later rebroadcast this special program on several other occasions during the 1995 holiday season. Weigel also plans to add new local business news programming to the stations' schedule in the near future.

In most markets today, what low power television can do at its best, and can do exceptionally well, is meet the unique needs of discrete local segments of the population. It can provide public service programming in the vein of what has come to be called "narrowcasting." That is what Weigel's Channel 23 accomplishes in Chicago, and what its Channels 46 and 65 accomplish in Milwaukee. But the lesson of Weigel's "low power" major network affiliates in South Bend is that, even in a comparatively large urban market, and even as we approach a Twenty-first Century of

“Information Age” Internet and other communications marvels, low power television (and television translator stations) can be absolutely indispensable to the delivery of even the most basic free, over-the-air television broadcast service -- major national television broadcast network service.

The Commission has long been committed, through allocations policies and otherwise, to ensuring that national television broadcast network programming remains available to as many Americans as possible. Weigel’s low power Channels 58 and 69 are today the only source of ABC Network programming in South Bend. If Channels 58 and 69 were forced to go dark, South Bend viewers would be deprived of this most basic type of free, over-the-air television network programming.

Statements of Support for Channel 58 and 69 Programming

Attached as Exhibit 29 are statements of support for the national network and local programming provided by Channels 58 and 69 in the South Bend market. Included are statements from the Honorable Joseph E. Kernan, Mayor of the City of South Bend; Representative Tim Roemer, United States Congress (Third District, Indiana); and Stephen M. Queior, President of the St. Joseph County Chamber of Commerce. Other statements include those of the South Bend Center for the Homeless, South Bend Area Crime Stoppers, the Elkhart City Police Department, and the Elkhart County Health Department. To quote only one of the statements, local citizen Robert E. Kingsley is “right on the money” in saying

When South Bend was about to lose its ABC affiliate, WBND stepped in and took up the slack. I think it is very important for a metropolitan area as large as South Bend to have broadcast access to all of the national network systems. This is particularly important for national news services because there are so few national sources of news available through the telecasting media. To lose one of these outlets would do a serious disservice to the South Bend community.

An Allocations Policy to Preserve Low Power Television's Public Service

Attached as Exhibit 30 are the initial suggestions of Weigel's consulting engineer, Bob du Treil, Sr., regarding technical and allocations policies the Commission could follow to help insure that DTV implementation does not destroy the existing public service being provided by low power television stations. Most fundamentally, these recommendations include 1) maintenance of the entire television band, at least for the present; 2) protection for the existing service areas of LPTV and translator facilities until adequate means can be devised to accommodate the public service being provided by such stations; and 3) adoption of standards that accord primary service protection to low power stations that provide valuable public service, thereby assuring the continued operation of such stations. To implement these policies, the following steps are suggested: There should be some relaxation of interference standards to accommodate continued low power operation during the DTV transition period. There should also be some reduction in the current, unrealistically high allocations assumptions regarding the effective radiated power for many DTV stations. In addition, rules should be adopted allowing the licensing on a primary basis of qualifying low power stations, and providing for post-transition allotment of a DTV channel to qualifying low power stations.

The Commission should give the most serious consideration to all of these recommendations, as well as all other proposals that are intended to reconcile the demands of DTV conversion with the public interest imperative that low power public service programming be preserved. Weigel will not presume to tell the Commission at this point which particular set of allocations policies would be best for achieving both of these ends. But the latter end -- the preservation of low power public service -- *must* be achieved by one method or another, if the public interest is to be served in this proceeding.